

Amendments to the Drawings:

No amendments are made to the Drawings herein.

REMARKS

The Examiner has asserted that the application contains claims directed to the following patentably distinct species of the claimed invention:

Species A: Figure 1; and

Species B: Figures 2.


The Examiner has also required Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant respectfully asks the Examiner to reconsider the requirement for a species election. As specifically stated MPEP 809.02(d), "Where only generic claims are presented, no restriction can be required except in those applications where the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search is necessary." Applicant respectfully submits that there are no species claims present in the application under examination, as all claims are generic to both identified species. Applicant also respectfully submits that the generic claims do not recite such a multiplicity of species that an unduly extensive and burdensome search is necessary.

More specifically, the species identified by the Examiner comprise two examples of brake systems which may incorporate the novel brake control system of the present invention. However, there are no claims which are directed to any elements specific to either of the two exemplary brake systems. The only claims which include limitations directed to brake systems in conjunction with which the brake control system may be used include elements which are found in both identified species. As such, Applicant respectfully submits that all pending Claims are generic.

In view of the above, Applicant respectfully asks the Examiner to withdraw the requirement for a species election. However, if the Examiner maintains the requirement for a species election, Applicant elects Species B (Figure 2). Applicant submits that all of Claims 1-45 are generic and therefore that all of Claims 1-45 read on this elected species.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Reg. No. 33,558
Todd M. Oberdick, Reg. No. 44,268
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, Connecticut 06905-5619
(203) 324-6155
Attorneys for Applicant